

EXHIBIT 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Civil Action No.: 2:19-CV-37**

**BILLY JOE BREWSTER, JR.,)
LARRY E. NORMAN, and)
THOMAS W. HILL, on behalf of)
themselves and others similarly)
situated,)**

Plaintiffs,

v.

**PHILLIP E. BERGER, in his)
official capacity as Speaker Pro)
Tempore of the North Carolina)
Senate; TIMOTHY K. MOORE,)
in his official capacity as Speaker)
of the North Carolina House of)
Representatives, DAMON)
CIRCOSTA, STELLA)
ANDERSON, JEFF CARMON)
III, DAVID C. BLACK, KEN)
RAYMOND AND KAREN)
BRINSON BELL, in their official)
capacities as officers or members)
of the North Carolina State Board)
of Elections,)**

Defendants.

**AFFIDAVIT OF
BILLY JOE BREWSTER, JR.**

COMES NOW the affiant, Billy Joe Brewster, Jr. And being duly sworn says the following:

1. My name is Billy Joe Brewster, Jr. and I am a citizen and resident of North Carolina.

2. I am over 18 years of age and am sui juris in all respects.

3. I went to Florida Atlantic University but was not able to graduate because of family obligations so I left school got a job and joined the US Army Reserve. I ended up owning my own business which went on to employ 100 people. As part of my community service I was a volunteer fireman and an EMS member. When I finally retired I moved to Charlotte NC where I currently reside.

4. I am running for the Republican nomination for the NC 12th Congressional District and started in November of 2018. To help jump start my campaign I put in \$75,000 of my own money and have worked very diligently to raise money from over 500 voters in the current 12th District. I have spent almost all of the money I loaned myself or have raised in the year I have been running.

5. The most important tool we rely on is the district voting information based on geocoded voter lists. This information identifies favorable voters in the district and their addresses. We rely on this information targeting voters, donors and volunteers in the district - especially campaigning for the 12th Congressional District seat.

6. The computer program we rely on to target our 12th Congressional District voters, donors and volunteers is called the GOP Data Center which is maintained by the Republican National Committee. This program gets its raw data from the North Carolina Board of Elections (BOE). It takes several weeks after each district change for the BOE to get the correct district data in its system. It then takes several weeks for the private system we employ to process the district wide data into usable form assisting us with targeting. This lag is not a big issue when you have a long time to prepare for a

campaign. This lag is incredibly relevant if you do not have a long time to prepare for a campaign.

7. I, along with many 12th District Republican volunteers, have worked for the past year to get 12th District Republicans and other voters engaged in all district races and especially the 12th Congressional District Congressional race in an attempt for me to be elected the Republican nominee in the March 2020 primary. I formulated our campaign strategy for the 2020 12th Congressional District race using data from GOP Data Center. I have spent my campaign time, effort and money over the past year based on this strategy. This strategy includes my personally soliciting district voters and donors, establishing a campaign webpage, hiring a political and media consultant, starting a Facebook page and other social media to contact voters in the current NC 12th Congressional District. I have also created campaign videos and have connected directly with many district voters. I also have many volunteers and party supporters who have spent their time, energy and money over the past year to assist me in my campaign.

8. I am not an incumbent nor is my campaign well financed. Further, the current 12th District is a highly Democratic district. I am very proud of the hard work I have put in to get where I am in my current campaign and I am very proud of the many voters and donors in the district with whom I have connect. I will be very disadvantaged if my year's worth of work is wasted by changing the district at this late hour. Because I am not well financed I particularly depend on talking to people and personally interacting with them to try and get them to vote for me. Many people volunteering on my behalf

will also see their hard work over the last year be wasted if the district is changed so close to the filing period.

9. It is now less than one month from the opening of filing for Congressional races. If the districts are changed at this late date it would be weeks after the changes before we had usable data to create and implement our campaign strategies. All of our work and resources spent over the last year would be effectively wasted and I do not think I would be able to recoup the money I spent on my campaign and I know I would not be able to make up the time I spent campaigning over the last year in a new district where the primary would be in March, 2020. This would be calamitous for an incumbent or well financed campaign - it would be disastrous for an underfunded challenger like myself.

10. As a challenger, I, unlike the well-funded incumbent, primarily rely on small donations to fund my campaign. Shortening the time between the creation of the district and the March 2020 primary will seriously impede the work I have already done in preparing district based donor lists and will mean I have a very difficult if not impossible time to get usable district lists in time to make a meaningful impact before the March 2020 primary. This also severely impacts the ability for me to reach likely district voters.

11. As an underfunded challenger I also have greatly relied on grassroots efforts to reach voters. These efforts have included door to door canvassing, telephone banks community meetings and precinct walks - all of which are much less expensive than the more sophisticated methods that well-funded incumbents can employ. Grassroot efforts also require a longer time to be effective than the more sophisticated methods.

Therefore, not only will the work I and my supporters have done be wasted, I also will not have enough time to make my grassroots campaigning be effective in a newly drawn district for the March 2020 primary.

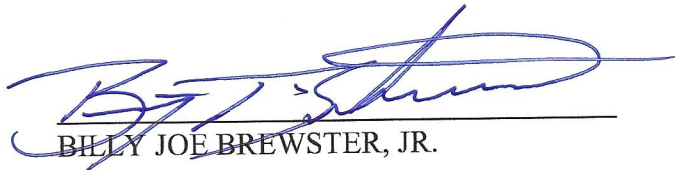
AFFIANT FURTHER SAITH NOT.

NORTH CAROLINA

MECKLENBURG COUNTY

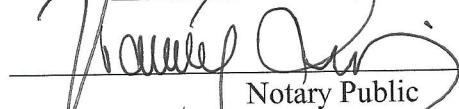
BILLY JOE BREWSTER, being first duly sworn, deposes and says:

That he is the Affiant in the foregoing Affidavit; that he has read same and that it is true of his knowledge, except as to those matters and things therein stated upon information and belief, and as to such he verily believes it to be true.


BILLY JOE BREWSTER, JR.

Sworn to and subscribed before me

this the 08 day of November, 2019


Notary Public

My commission expires: Oct 14, 2023

(SEAL)

